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# The Legislative Process

A HANDBOOK

FOR MISSISSIPPI  
LEGISLATORS

UNIVERSITY OF MISSISSIPPI



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WITHDRAWN

MIRTHDRAMA

# THE LEGISLATIVE PROCESS

*A Handbook for  
Mississippi Legislators*

*by*

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and the separate and joint *Rules* of the House of Representatives and Senate as they stood for the 1946 legislative session. In references to the *Rules*, the number of the cited rule is given. Sections are noted in references to the *Constitution* and the *Code*, and the Roman numeral in the former is the article number.

Miss Mary Evelyn Blagg, Assistant Director of the Bureau of Public Administration, has compiled the handbook under the supervision of the Bureau's Director. The Table of Contents was prepared by Mr. Kenneth Nail, Student Research Assistant, to whom thanks are also due for his aid in preparation of the manuscript. Appreciation is tendered to the Delta Council for its timely request and to the many members of the Legislature who have given generously of their time and knowledge. Thanks are due Dr. Hallie Farmer, whose work in state legislative procedures has proven a valuable guide.

While the School of Commerce and Business Administration of the University of Mississippi, as a public institution, is pleased to maintain the Bureau of Public Adminis-

tration for the study of public problems, no conclusions concerning University views or policies are to be drawn from the study. The materials presented are those of the author, who accepts full responsibility for them.

ROBERT B. HIGHSAW, *Director*  
*Bureau of Public Administration*



## INTRODUCTION

The mechanics of enacting ideas into law have long presented a serious problem for legislators. Knowledge of the process is most important, and it is something which may be secured only by experience or through instructions from experienced members of the Legislature. The present handbook is a remedy for this problem in Mississippi. It poses answers for many of the questions constantly raised by newly-elected members. The entire process of legislative enactment, from introduction to signing of measures by the Governor, is traced here with completeness and in detail. Particularly valuable is the description of the numerous committees of the Legislature, and the analysis of the manner in which they function.

It is my considered opinion that, if properly studied and kept as a constant reference by members of the Legislature of the State of Mississippi, this little book will prove to be a most helpful guide. Not only will the individual legislators be aided, but the entire operation of our legislative bodies will be facilitated. The School of Commerce and Business Administration of the University of Mississippi has rendered an important service in preparing and publishing this study.

WALTER SILLERS, *Speaker*  
*House of Representatives.*



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## I. SESSIONS AND TIME OF MEETING

### REGULAR SESSIONS

The Legislature of Mississippi meets, in regular session, every even-numbered year at the Capitol in Jackson. Its day for convening is the first Tuesday after the first Monday of January. (*Constitution*, IV, 36; *Mississippi Code Annotated 1942*, 3328. Hereinafter cited as *Code*.) The first meeting of each regular session is devoted to the organization of the two houses, and it begins at 12 o'clock noon. (*Code*, 3329, 3331) For the other meetings of the regular session, the Senate convenes at 1:00 o'clock P. M., except on Mondays, when the meetings start at 2:00 o'clock P. M. (*1946 Senate Rules*, 16. Hereinafter cited as *Senate Rules*.) The standing hour for daily meetings of the House of Representatives is 2:00 o'clock P. M. (*1946 House Rules*, 68. Hereinafter cited as *House Rules*.)

### EXTRAORDINARY SESSIONS

The Governor is given authority by the State Constitution to call a special session of the Legislature when he believes that the public interest

requires it. When the Governor convenes the Legislature, he states in his proclamation the time of meeting and the matters the houses are to consider. The Legislature in special session may consider only these matters and additional ones which may be submitted to it by the Governor.

If the two houses cannot agree on a date for adjournment, the Governor may adjourn them at the time he thinks proper. (*Constitution*, V, 121)

## II. THE SENATE

### OFFICERS

The forty-nine Senators from Mississippi's forty-two districts have the constitutional authority to elect their own officers, with the exception of the President, or the presiding officer, who is the Lieutenant-governor. The officers of the Senate (*Constitution*, IV, 39; *Code*, 3332, 3350) are:

President (Lieut.-governor)	Elected by the people
President pro Tempore	Elected by the Senate
Secretary	Elected by the Senate
Sergeant-at-Arms	Elected by the Senate
Doorkeepers (2)	Elected by the Senate
Pages (2)	Appointed by President
Porters (2)	Appointed by President

#### *President*

The duties of the President begin at the opening meeting of the Senate. At 12 o'clock noon he takes the chair; calls, in numerical order, the roll of the senatorial districts; and administers

to the members their oath of office as prescribed in Section 40 of the State Constitution. (*Code*, 3331)

At all regular sessions, the President presides over the meetings of the body. After calling the Senate to order, and upon the appearance of a quorum, he daily proceeds to the regular order of business. It is his duty to preserve order and decorum and to decide all questions of order as they arise in the house. (*Senate Rules*, 1, 2) The Senate's President is in charge for all joint conventions of the two legislative branches; here also he decides upon all questions of order. (*Code*, 3356; *1946 Joint Rules*, 21. Hereinafter cited as *Joint Rules*.)

When the Senate is voting, the President presents the question to the group. He may sit to state the question, but always rises to put it to the members. The form of his putting it is prescribed in Senate Rule 3: "As many as are in favor [and here he states the question] say 'Aye.'" After the affirmative votes are cast, he says, "As many as are opposed say 'No.'" The President declares all votes, and so if he is not sure of the vote he may have the Senate divide.

In case of an equal division, he casts the deciding vote. This is also true when an equal division occurs in a joint vote of the two houses of the Legislature. (*Senate Rules*, 3, 74)

His is the responsibility to nominate, subject to Senate approval, members for the standing committees of the body; he also appoints all select and conference committees ordered by the Senate. He is himself a member of the Committee on Rules (*Senate Rules*, 7, 30); and he may leave the chair to join the house in debate when it is acting as a Committee of the Whole, calling some member to take the chair in his place. (*Constitution*, IV, 129; *Senate Rules*, 4) The signing of all bills, resolutions, and measures passed by the Senate is one of his responsibilities; and he also signs all writs, warrants, and subpoenas it orders. (*Senate Rules*, 8) He certifies all Senate payrolls to the auditor of public accounts. (*Code*, 3351)

Full and exclusive authority over all officials and employees of the Senate belongs to the President. He makes for them such regulations as he thinks are necessary, and is responsible for seeing that violations and misconduct are re-

ported to the Committee on Rules. Of the employees of the Senate, he appoints the pages and porters, of which there are two each. (*Code*, 3350; *Senate Rules*, 5) It is the President's duty to assign to newspaper reporters places on the floor of the chamber so that they will not interfere with the convenience of the Senate. (*Senate Rules*, 6)

The compensation of the President of the Senate is \$1,500.00 for each regular session. His pay for called sessions is \$10.00 a day and 10 cents a mile for traveling to and from the capital. (*Code*, 3346)<sup>1</sup>

#### *President pro Tempore*

The Senate elects its President pro Tempore who presides in the absence of the Lieutenant-governor. He is an *ex officio* member of the Committee on Rules. (*Code*, 3332; *Senate Rules*, 30) Compensation for the President pro Tempore is \$1,150.00 per session. If, however, the office of Lieutenant-governor is vacant for all or part of the session, he receives the salary

<sup>1</sup>Effective January 1, 1948, the compensation of the Lieutenant-governor will be \$2,000.00 for each regular session of the Legislature. His *per diem* for special sessions will become \$14.00, and his mileage pay will remain unchanged. (*Laws*, 1946, House Bill 39)

allotted to the Lieutenant-governor (\$1,500.00) for such portion of the session as he fills that place. He is paid \$10.00 for each day of special sessions and 10 cents a mile for travel. (*Code*, 3348)<sup>2</sup>

### *Secretary*

The principal duties of the Secretary are the keeping and reading of the Journal and the preparing and posting of the daily calendar. He is charged with keeping a correct record of the proceedings of the Senate and reading each day to the group the Journal of the preceding day. Also entered in the Journal are briefs of the contents of all measures presented to the Senate, a record of proceedings relating thereto, every vote of the Senate, and records of the signing by the President of every bill passed. The Rules of the Senate and the Joint Rules of the Legislature are inserted as an appendix to the Journal. (*Code*, 3339; *Senate Rules*, 9, 13)

As measures are reported from the several Senate committees or introduced into the Sen-

<sup>2</sup>Pay for the President pro Tempore will be \$1,750.00 for each regular session after January 1, 1948. He will receive \$14.00 *per diem* for special sessions, and his travel pay rate will remain what it now is. (*Laws*, 1946, House Bill 39)

ate, the Secretary numbers, files, and preserves each of them. From this numbering, he prepares the calendar of measures to come before the Senate each day and posts it for members. He also prepares and posts a list of matters lying on the table and of such matters or memoranda as are deemed necessary or directed by the Senate or its President. This list is to show clearly the subject matter of each bill and resolution on it. The Secretary is required to distribute mimeographed copies of each bill and resolution to members of the Senate. (*Code*, 3339; *Senate Rules*, 11) When a measure is ready for final action, the Secretary must engross it (copy it correctly) upon the order of the Senate. As measures are enacted into law, it is also the Secretary's duty to enroll them (file them as evidence that they have been passed). He must retain all papers passed on by the body until the time limit for moving a reconsideration has passed. (*Code*, 3339)

When the Senate is meeting in executive session, the Secretary is required to maintain a separate and distinct set of books to record its actions. (*Senate Rules*, 14)

Following adjournment of the session, the Secretary is responsible for disposing of all documents and papers relating to its proceedings. He delivers them to the Secretary of State, with whom he files the original copy of the Journals immediately upon adjournment. Within ten days he is to furnish the Board of Public Contracts with a copy prepared for publication. He must also prepare and deliver to the printer a complete index to the Journals for publication as a part of them. (*Code*, 3340, 3341)

The Secretary attests all Senate writs, warrants, and subpoenas after they have been signed by the President (*Senate Rules*, 8); and bills to be sent to the House of Representatives are signed by him. (*Joint Rules*, 5)

Compensation for the Secretary of the Senate is \$1,200.00 for each session of 60 days or less. Otherwise he receives *per diem* at the rate of this sum for 60 days. He is allowed one day after adjournment to bring to order his unfinished business, and for this is paid at the same *per diem* rate. He must employ at his own expense enough assistants to enable him to discharge all of his duties properly and promptly. (*Code*, 3339, 3350, 3353)

*Sergeant-at-Arms*

The Sergeant-at-Arms, under the direction of the President, has general supervision of the Senate. He attends its sittings and preserves order in the chamber and is responsible for carrying out all its commands and serving all processes it issues. He is in charge of the doorkeeper and other servants of the Senate and must see that all rooms of the Capitol assigned to his house are kept clean and comfortable. They are to be lighted at night while the Senate is sitting and until eleven o'clock each night during the session.

Supplying the members, officers, and committees with all necessary materials and conveniences is his responsibility. Upon the final adjournment of the legislature, he collects all remaining furnishings and stationery purchased for the Senate's use and delivers it to the auditor of public accounts. (*Code*, 3342; *Senate Rules*, 15)

Compensation for the Sergeant-at-Arms is \$4.00 per day for each day's attendance upon the Senate. (*Code*, 3350)

*Doorkeepers*

The two doorkeepers are charged with keeping the doors of the Senate, under its direction.

When a message is received from the House of Representatives, one of the doorkeepers is to see that it is announced to the Senate at the door. The two are also to carry out any other duties assigned to them. (*Code*, 3343; *Joint Rules*, 4)

Each of the doorkeepers is paid \$3.00 a day for each day that he attends the meetings of the Senate. (*Code*, 3350)

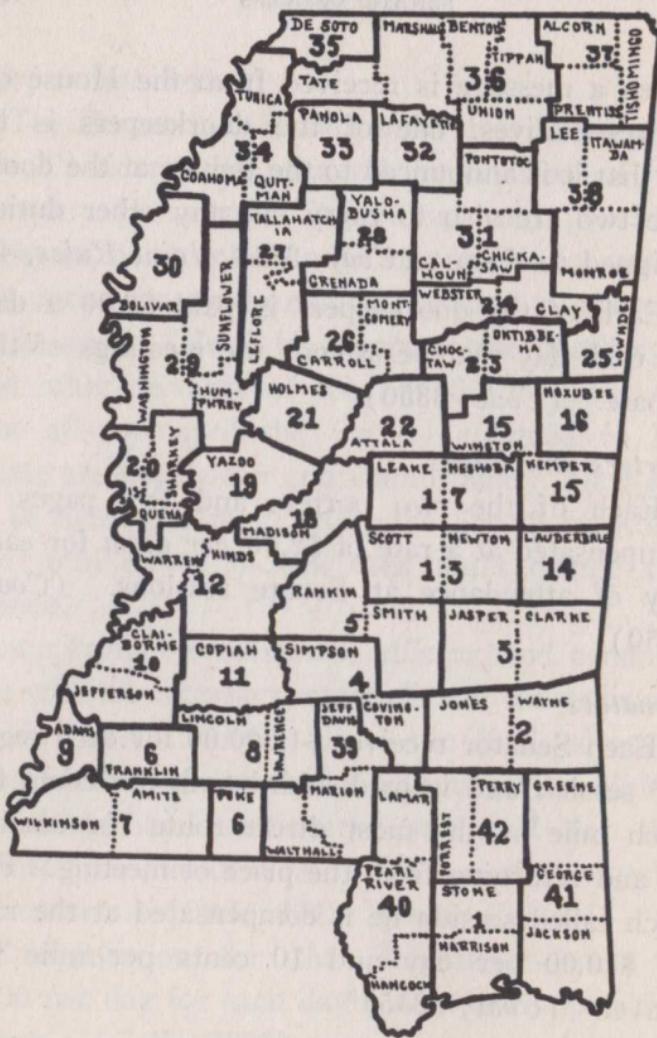
#### *Porters and Pages*

Each of the two porters and two pages is compensated at a rate of \$2.00 *per diem* for each day of attendance at Senate sessions. (*Code*, 3350)

#### *Senators*

Each Senator receives \$1,000.00 for each regular session and is paid additionally 10 cents for each mile by the most direct route for coming to and returning from the place of meeting. For each called session he is compensated at the rate of \$10.00 per day and 10 cents per mile for travel. (*Code*, 3345)<sup>3</sup>

<sup>3</sup>Compensation for Senators will be raised, after January 1, 1948, to \$1,500.00 per regular session. For special sessions they will be paid \$14.00 for each day, and for all sessions their allowances for travel will remain what they are now. (*Laws*, 1946, House Bill 39)



MISSISSIPPI STATE  
SENATORIAL DISTRICTS

## COMMITTEES OF THE SENATE

The committees of the Senate, with the exception of two standing committees, Rules and Judiciary, are appointed by the President. Within each committee the first-named member is the chairman, and he must not be the Senator who has moved to appoint the committee. The second-named member is the vice-chairman, and beyond these two officers there is no rank on the committees, the other members being listed alphabetically. Committee secretaries are selected by the members from one of their number. Each committee determines for itself what constitutes a quorum, but this shall never be less than a majority of its members. The chairman of each committee notifies the Secretary of the Senate of the number of a quorum for his committee and of the time and place of its meetings. (*Senate Rules*, 27, 30, 34)

No measure may be considered by the Senate until it has been sent to a committee, considered by it, and reported by a majority of its quorum. A committee cannot be discharged from the consideration of any measure committed to it, or have a measure taken from it, except by a mo-

tion signed by a majority of all members of the Senate.<sup>4</sup> Every committee, save that on Finance, must report on measures referred to it within 10 legislative days after reference; but the Senate may grant an extension of time by a majority of the members present and voting. If the report is not made within the allotted time, the measure must be returned to the Senate. Measures so returned, as well as those called from committees by the house, may be reassigned to a standing or special committee or considered by a Committee of the Whole. (*Senate Rules*, 39, 39a, 40)

Each committee must report on the sufficiency of the titles of all bills before they are put in their final passage, and motions for commitment or recommitment for this report are in order before final passage. (*Constitution*, IV, 71; *Senate Rules*, 32)

Members are required to attend each committee meeting, unless they have been excused by the chairman. Announcement of committee

<sup>4</sup>During the last six days of the session, however, a majority of Senators present and voting may call any measure from committee by a signed motion. (*Senate Rules*, 39)

meetings is made before the Senate adjourns each day, and the names of members present and absent are kept in the record of each meeting. A majority of the members must be present when a measure is reported by the committee. (*Senate Rules*, 30, 34)

Chairmen of the committees have the responsibility, in addition to that listed above, for seeing that all papers and books taken from the office of the Secretary for committee meetings are returned. (*Senate Rules*, 34)

None of the committees may be absent from the sessions of the Senate without its unanimous consent, except the Committee on Rules. The Rules Committee is also the only one that may occupy the Senate chamber except by a vote of its members. (*Senate Rules*, 35, 38)

Certain matters are sufficiently important that committees considering them have special leave to report on them at any time. These committees, and the subjects on which they have this leave (*Senate Rules*, 36), are:

Finance Committee: Appropriations and revenue bills.

Committee on Rules: Rules, joint rules, and order of business.

Committee on Registrations and Elections: Right of a member to take his seat.

Committee on Enrolled Bills: Enrolled bills.

A bill reported unfavorably by its committee is not ordinarily considered by the Senate, although it may be given consideration if it is accompanied by a minority report. Such a report must be signed by at least one member of the committee who was present when the bill was reported, and it must be filed within three legislative days after the committee report. It is placed on the calendar at the heel of favorably reported bills and, except by a suspension of rules, is considered only after all of them have been disposed of. (*Senate Rules*, 63a)

### *Standing Committees*

The Senate's standing committees number 39. Their membership varies from three to 23. Some are created by constitutional provision, some by legislative enactment, but most of them by action of the Senate alone. The committees, with the number of members on each, are as follows (*Senate Rules*, 30):

<i>Committee</i>	<i>Number of Members</i>
Agriculture, Commerce, and Manufacturing	14
Banks and Banking	9
Claims	7
Constitution	9
Contingent Expenses	3
Corporations	9
County Affairs	12
Conservation of Natural Resources	12
Drainage	7
Education	9
Engrossed Bills	5
Federal Relations	5
Fees and Salaries	9
Finance	23

In considering the executive budget, this committee sits jointly with the Committee on Appropriations of the House of Representatives in open session. (*Code*, 9112) If the Finance Committee feels that any measure referred to it should be considered by another committee, it may send such measure to the second committee for study and recommendation. Measures sent in this manner must be returned to the Finance Committee within five days. (*Senate Rules*, 40)

<i>Committee</i>	<i>Number of Members</i>
Forestry	11
Highway Financing	17
Humane and Benevolent Institutions	9
Insurance	11
Interstate Cooperation	5

This committee was established by the Legislature in 1936, to constitute, with the House of Representatives Committee and the Governor, the Mississippi Commission on Interstate Cooperation. It also constitutes the Senate council of the American Legislators' Association. Its members serve during interim periods as well as during legislative sessions, but without special compensation. (*Code*, 3317-3325)

Judiciary	All lawyers in the Senate
Juvenile Delinquency and Child Welfare	11
Labor	9
Levee	9
Local and Private Legislation	5

The committees on Local and Private Legislation were created in the two branches of the legislature by the State Constitution. It provided that such legislation should not pass the house unless it were favorably reported with a recommendation for passage and an affirmative statement of the reasons for the recommenda-

tion and why this type of legislation is required. Local or private measures reported unfavorably by this committee may become law only upon a majority vote of all members of the Senate. (*Constitution*, IV, 89)

Committee	Number of Members
Military Affairs	10
Municipalities	7
Oyster Industry	5
Penitentiaries and Prisons	9
Pensions	11
Printing	5
Public Health and Quarantine	9
Public Land	7
Public Works	5
Railroads and Franchises	9
Registrations and Elections	9
Roads, Ferries, and Bridges	15
Rules	9

The members of this committee are the Lieutenant-governor, the President pro Tempore of the Senate, and seven other Senators, one from each of the congressional districts, to be chosen by the Senators from their respective districts by caucus.

The Rules Committee is specially charged with consideration of all measures authorizing committees to travel or employ stenographers, and all propositions involving special investigations or expenses by the committees. These are referred to the Committee without debate,

and its report must be returned to the Senate, with recommendations for action, within two legislative days.

This committee hears all complaints against officials and employees of the Senate and, with the approval of the body, may discharge such employees when it deems such action to be proper. (*Senate Rules*, 5, 30, 37)

<i>Committee</i>	<i>Number of Members</i>
Temperance	9
Unfinished Business	3

#### *Special Committees*

Special committees of the Senate are appointed to consider particular matters when for any reason it is believed that a standing committee could not properly dispose of them. In all cases, a special committee must report to the Senate a "state of facts" accompanied by its opinion regarding them. (*Senate Rules*, 41)

#### *Committee of the Whole*

The Senate may, upon a motion supported by a vote of the majority of the Senators present and voting, resolve itself into a Committee of the Whole to consider any measure before it. The Rules of the Senate are the governing rules in the Committee in so far as they are applicable. The President may leave the chair and call upon any Senator to preside for him in order that he

may take part in Committee debate. A measure reported favorably by the Committee of the Whole is placed on the calendar with other favorably reported measures; or, upon a suspension of rules, it may be taken up immediately. (*Senate Rules*, 33, 42)

#### RULES OF THE SENATE

The Rules of the Senate are the governing regulations for the activities of that body. They are given in an appendix to the Journal of the Senate, where the other provisions regarding procedure are found. These include Sections 54-100, 129, 139, and 253 from the Constitution and the Joint Rules of the two legislative houses which apply to the legislative process. (*Senate Rules*, 10, 13)

In questions of order or parliamentary practice, Hinds' *Parliamentary Precedents* and the Rules of the National House of Representatives shall be the authority. However, when those are in conflict with the Rules of the Senate, the latter will govern. (*Senate Rules*, 59)

A rule of the Senate may, by a two-thirds vote of members present and voting, be suspended for any action of the Senate, but constitutional

provisions regarding Senate procedures cannot be suspended or changed. If it is desired to change or abolish any rule, one day's notice, by motion entered on the Journal, must be given. Following this notice, the rule may be changed or abolished by a two-thirds majority of all Senators who are present and voting. (*Senate Rules*, 18)

#### ORDER OF BUSINESS

The order of business in the Senate is prescribed in the Rules of the Senate, and this order is daily followed in all the meetings of the upper house. Once any matter is placed in the order of the day for any day, it is not discharged or considered out of its regular order unless the Senate decides, by a two-thirds vote, to do so. Changes in the order of business may be made for any day by a two-thirds vote of the membership. When the Senate has already passed an item in its order for any day, though, consideration of orders passed may be had only by agreement of two-thirds of the membership.

#### *Regular Order*

The regular order for each day is as follows (*Senate Rules*, 53-57) :

- 1) Reading of the Journal of the previous day, by the Secretary
- 2) Presentation of petitions
- 3) Reports of standing committees<sup>5</sup>
- 4) Reports of select committees<sup>5</sup>
- 5) Presentation of resolutions
- 6) Introduction of bills
- 7) Reference of bills
- 8) Unfinished business<sup>6</sup>
- 9) Consideration of bills and resolutions.

When the House of Representatives proposes an amendment to a measure and returns it to the Senate for approval, such amendment is placed in the order of the next day after it is received, unless the majority of those present order that it shall be otherwise handled. (*Senate Rules*, 58)

<sup>5</sup>Reports of committees are placed in the regular order of the next day after the one on which they were made or received from the House of Representatives. But if a committee requests that its reference be transferred to another committee, that request is considered immediately.

<sup>6</sup>Unfinished business from the time of adjournment of the previous day shall have precedence in the regular order.

*Special Order*

When the Senate desires to consider any measure out of its regular order, it may make it a "special order" by the agreement of a majority of its members. When any matter is made a special order, it is assigned for consideration at a particular day and hour; the President calls it up; and the Senate proceeds to consider it at that time, regardless of when it should come in the regular order. All special orders have precedence over regular orders unless they are postponed by a two-thirds vote of the Senators present. When two or more special orders are made for the same hour, they have precedence in the order of time in which they were made. As soon as the Senate considers a special order, it proceeds to the third reading and final passage, unless the matter under consideration is otherwise disposed of at that time, or the order is postponed to a designated time. (*Senate Rules*, 60, 61)

## EXECUTIVE SESSIONS

When the Senate is acting on confidential or executive business, its chamber is cleared of all persons except members and officials; and re-

maining officials are sworn to secrecy. A separate Journal of executive sessions is kept by the Secretary.

The Senate has formulated a number of special rules to apply to sessions during which it is considering nominations submitted to it by the Governor. As are all other matters, nominations are referred to committees as they are received in the Senate, unless it orders otherwise. All information or remarks regarding the character or qualifications of a nominee shall be kept secret if they are made by a Senator during such sessions. When charges are made against any nominee, however, the committee may notify him that they have been made, provided that the names of those Senators making the charges are not disclosed. The fact that a nomination has been made, confirmed, or rejected is not regarded as secret.

The final question on every nomination, which is put by the President, is: "Will the Senate advise and consent to this nomination?" Unless two-thirds of the Senate vote otherwise, the final question does not come before the session on the same day that a nomination is received

or reported by the committee considering it. Reconsideration may be had following the vote on a nomination if a Senator voting with the majority moves for it. This motion may be made on the day of the final vote or on the next legislative day, and nominations acted upon are not returned to the Governor until after the expiration of this time limit. If a motion for reconsideration is made in open session, the Secretary records it on both the executive session and regular session Journals. All motions for reconsideration fail if the Senate adjourns *sine die* before voting upon them. The Secretary then returns all nominations to the Governor as they stood before the motion to reconsider. (*Senate Rules*, 78, 79)

The Governor may convene the Senate during the vacation of the Legislature for concurrence in his appointments. This he does by giving 10 days' notice to each Senator through proclamation sent by mail. (*Code*, 3987)

### III. THE HOUSE OF REPRESENTATIVES

#### OFFICERS

The Mississippi House of Representatives consists of 140 members, and they are privileged by the Constitution to elect all of their own officers. They choose most of their employees, but some are appointed by the Speaker of the House. Nevertheless, the membership has full power to dismiss any of them at any time and to secure new officials and employees in their stead.

During the first meeting of the House, until officials are elected, the Secretary of State serves the House as presiding officer. He accepts the election certificates of members and may administer the oath of office to them. His service ends when officials are elected.

Officials of the House, and the methods of their selection, are:

Speaker of the House	Elected by the House
Clerk of the House	Elected by the House
Sergeant-at-Arms	Elected by the House
Doorkeepers (2)	Elected by the House
Pages (4)	Appointed by the Speaker
Porters (3)	Appointed by the Speaker

*Speaker of the House*

The Speaker of the House presides at all sessions after his election, daily taking the chair at the hour to which the House has adjourned. As soon as he has called the body to order and had the roll call read, he must have the Clerk read the Journal of the last meeting. It is his responsibility, before each daily meeting, to examine and approve this Journal for reading.

He has general control over the hall of the House and all parts of the Capitol assigned to the House. Here he is to see that order and decorum are preserved; he is empowered to have the galleries and lobby cleared in case of undue disturbance there. His is the decision on all questions of order; and he may speak, in preference to other members, regarding points of order. He also puts all questions to the House for voting. Although he must rise to put a question, he may state it while sitting. As prescribed in the House Rules, the manner in which he puts each question to the membership is: "As many as are in favor [stating the question], say 'Aye.'" When the affirmative vote is completed, he calls for the negative: "As many as are op-

posed, say 'No.' " Because he is charged with stating its decision, he may have the group divide (the affirmative rising first) if he is in doubt regarding the action on the question. Finally, to remove any question about the vote, he may appoint one member from each side to count the Representatives on each side and report their number to him. Following this, he rises and announces to the House its decision. Ordinarily the Speaker is not required to vote on proceedings of the House. He must, however, cast a vote when his is necessary for a decision or when the House is voting by ballot.

Committee appointments are made by the Speaker; and he serves, *ex officio*, as a member of the Committee on Rules. He refers each resolution to the committee having jurisdiction over it as it is introduced. When the House transforms itself into a Committee of the Whole, the Speaker must leave his chair to become a member of the committee. He designates a chairman to preside in his stead.

As presiding officer of the House, the Speaker signs all of its acts, addresses, joint resolutions, writs, warrants, and subpoenas. He certifies to the auditor of public accounts the pay-

rolls for members, officials, and employees of the House. The Speaker may appoint any member of the House of Representatives to perform the duties of the chair, but such an appointment is limited to three legislative days. In case of unavoidable absence, or of illness, he may make the appointment for five days, with the approval of the members. If at any time the Speaker is absent without having provided another chairman, the Representatives elect a speaker *pro tempore*. No one may visit in the Speaker's stand during the session. Therefore, when he wants to confer with any member or visitor, the Speaker may leave the stand and call upon any member to preside for him. (*Constitution*, IV, 38; *Code*, 3329, 3330, 3333, 3344; *House Rules*, 1-10, 50, 53, 43)

The Speaker receives \$1,500.00 as compensation for each regular session. For extraordinary or called sessions he is paid at the rate of \$10.00 *per diem* and 10 cents a mile for travel from his home to the capital and return. (*Code*, 3345, 3346)<sup>1</sup>

<sup>1</sup>After January 1, 1948, the Speaker's pay will become \$2,000.00 per regular session. His *per diem* for other sessions will be \$14.00, and his travel pay will remain unchanged. (*Laws*, 1946, House Bill 39)

*Clerk of the House*

The Clerk is in charge of keeping and preserving all the records and papers of the House. Each day he records the proceedings in the Journal of the House which he reads the following day for the approval of the Representatives. He must furnish within 10 days after adjournment of the Legislature a copy of the Journal to the Board of Public Contracts for publication. The originals of the Journal he files with the Secretary of State, to whom he delivers all papers relating to its proceedings as soon as the House adjourns. He also must prepare an index to the Journal and present it to the printer for publication as a part of the Journal. (*Code*, 3339, 3340, 3341; *House Rules*, 13)

The Clerk is charged also with numbering, filing, and preserving in order all papers introduced into the House. As each bill is passed, he certifies it and notes the day of its passage. Enrolling and engrossing each measure as the House orders enrollment or engrossment are his responsibilities. He attests all writs, warrants, and subpoenas issued by the House; and bills on their transmittal from the House to the Sen-

ate are under his signature. (*Code*, 3339; *House Rules*, 11, 12; *Joint Rules*, 5) He is charged with promptly carrying out all duties which fall to him as incidents to his position. Under the direction of the Speaker, he is responsible for controlling the employees of the House and providing for the pay of members and employees. (*House Rules*, 13)

The Clerk is paid \$1,600.00 for each legislative session of 60 days or less time. Beyond this, he is paid *per diem* at a rate based on his regular compensation for 60 days. He must employ enough assistants from this salary to enable him properly to carry out the work for which he is responsible. He is allowed one day after the close of the session to bring to order any unfinished business, and for this day receives his usual *per diem* compensation. (*Code*, 3350, 3353)

#### *Sergeant-at-Arms*

The chief duty of the Sergeant-at-Arms is to provide a general supervision for the House under the Speaker's direction and to see that order is preserved in the House at all times. To discharge this duty, he must attend all sittings of the House and hence is given control over

its doorkeepers and servants.<sup>2</sup> He clears the House floor of all visitors 10 minutes before it convenes for each session, and he must keep all visitors from the floor until 10 minutes after adjournment. He is responsible also for seeing that all commands of the Representatives are executed and that all processes it issues are served. (*Code*, 3342; *House Rules*, 14)

During the sessions of the House he must see that the hall of the House and all the rooms reserved for its use and its galleries are clean and comfortable, providing the necessary heat and light for them. His is the responsibility to see that all the necessary supplies and conveniences are supplied to members, officers, and committees of the body. When the Legislature has finally adjourned after the close of the session, he is to collect all remaining stationery and furnishings which have been purchased for the use of the House and deliver them to the Secretary of State. (*House Rules*, 14)

The Sergeant-at-Arms is compensated for his work at the rate of \$4.00 a day for each day that

<sup>2</sup>This does not include control over stenographers and pages, who are under the direction of the Clerk. (*House Rules*, 13, 14)

he attends the meetings of the House of Representatives. (*Code*, 3350)

#### *Doorkeepers of the House*

The two doorkeepers are responsible for keeping the doors of the House and seeing that only authorized persons are permitted to enter its hall. The Rules of the House provide that only officers and members of the Legislature, state officials, local and visiting ministers, and representatives of the press shall be allowed to enter sessions of the House and that the doors between the lobby, cloak room, visitors' room, and hall of the House are to be kept closed. When the House receives any message from the Senate, the doorkeeper to whom it is brought announces it to the group. The doorkeepers are also charged with performing such other duties as may be required of them from time to time. (*Code*, 3343; *House Rules*, 15, 93; *Joint Rules*, 5)

Pay for each of the doorkeepers is \$3.00 *per diem* for each day of attendance on the Legislature. (*Code*, 3350)

*Pages and Porters*

The four pages and the three porters of the House are each paid at the rate of \$2.00 a day for each day that they are present at meetings of the body. (*Code*, 3350)

*Representatives*

Members of the House of Representatives are regularly paid \$1,000.00 for each session and receive additionally a travel allowance of 10 cents a mile for one round trip, by the most direct route usually traveled between their homes and the meeting place of the Legislature. Their pay for special or extraordinary sessions is \$10.00 *per diem* and travel expenses at the same rate as for regular sessions. (*Code*, 3345)<sup>3</sup>

## COMMITTEES OF THE HOUSE

The committees of the House are charged to consider all bills referred to them and to recommend appropriate action on referred bills to the House. No measure can become law until it has been reported upon in writing by the com-

<sup>3</sup>After January 1, 1948, the pay for a regular session will be changed to \$1,500.00, and for a special session to \$14.00 *per diem*. Travel pay will remain unchanged. (*Laws*, 1946, House Bill 39)

mittee to which it is referred. The committees are appointed by the Speaker, unless the membership of the House orders that they be appointed in some other manner. The first-named member of each committee is its chairman, and the second-named is its vice-chairman. Beyond these two there are no officers on the committees, and all other members are listed in alphabetical order. As soon as it is organized, each committee determines by a majority vote what number of its membership is required to constitute a quorum for action. This quorum must never be less than a majority of the members. When a quorum has been decided upon, it is reported to the Clerk of the House. (*Constitution*, IV, 71; *House Rules*, 9, 53, 54, 81)

The regular hour for committee meetings is 9:00 A. M., unless the committee orders otherwise. The Committee on Rules is especially charged with prescribing a schedule for the regular meetings of standing committees, however, and no committee (except the Rules Committee) may meet during the sitting of the House without special leave from it. (*House Rules*, 70, 95) The chairman of the committee keeps a

record of each meeting and of attendance at the meetings. With each report he makes to the Senate he must also submit a statement showing the hour at which his group met and adjourned and the names of all absent members who had not previously been excused by him or the Speaker of the House in order that they might attend to other legislative duties. (*House Rules*, 56)

Measures are referred to appropriate committees by the Speaker as soon as the first reading is completed, or at the pleasure of the House. Proposals for referring bills to particular committees may be made; and, if more than one is proposed, the House decides by vote which shall be used. (*House Rules*, 40-43) When a measure has not been reported from its committee within 20 legislative days after reference, it may be withdrawn from the committee by a vote of the Representatives. A motion to withdraw the measure may be made in writing by any member, explaining the reasons why the measure should be withdrawn. Such a motion is read to the House immediately upon its introduction, and thereafter the bill is taken from the committee if a majority of members elected to the

House agrees to it. However, a motion to withdraw a measure is not voted upon on the same day that it is made unless the Rules of the House are suspended by a two-thirds vote of those members present and voting. During a special or extraordinary session of the Legislature, bills may be withdrawn in this manner five legislative days after their reference. After any measure has been taken from one of the House committees, it is considered by the Committee of the Whole or referred to another committee, the course of action being determined by a majority of those who are present at the session and voting. (*House Rules*, 98)

When a bill is reported favorably to the House, it is printed (if the committee so recommends), and copies are placed on the desks of members before the measure is called up for final passage. A recommendation for printing must be placed on the jacket of the bill and signed by the chairman when it is reported. When a bill has been favorably reported, it is placed on the House calendar and is then ready for the final action of the group. Reports of the Committee on Rules are not subject to the order of the calendar, though, and it is always in order to call

these reports up for consideration by the House. This privilege is subject to the limitation that a Rules Committee report may not be called up on the same day that it is presented except by a vote of two-thirds of the members to do otherwise. (*House Rules*, 84, 94)

A bill adversely reported by its committee is not ordinarily placed on the House calendar. If one or more of the members present at the committee meeting during which the measure was reported desire to make a minority report on the bill, they may do so. Such minority reports must be filed within three legislative days after the adverse report, and are placed on the calendar at the foot of favorably reported bills. They are not considered until the favorably reported bills are disposed of, unless the House, by a two-thirds roll call vote, elects to suspend the Rules and consider them immediately. (*House Rules*, 89)

### *Standing Committees*

There are 45 standing committees of the House of Representatives. The majority of these has been created by action of the House for handling its general measures, but some

were established by the Constitution or the Legislature for specific purposes. The standing committees, and the number of members of each, are (*House Rules*, 53):

<i>Committee</i>	<i>Number of Members</i>
Aeronautics and Aviation	9
Agriculture	27
Appropriations	29
Banks and Banking	11
Census and Apportionment	11
Claims	7
Conservation of Minerals and Natural Resources	17
Constitution	11
Contingent Expenses	7
Corporations	11
County Affairs	13
Drainage	11
Education	25
Eleemosynary Institutions	11
Engrossed Bills	5

This committee is responsible for examining all bills that have been copied for final con-

sideration by the House and reports them as correct after all necessary corrections have been made. This report of the committee shall be in order at any time. (*House Rules*, 58)

Committee	Number of Members
Federal Relations	11
Fees and Salaries of Public Officers	13
Fisheries, Commerce, and Shipping	11
Forestry	15
Game, Fish, and Wild Life	11
Highways and Highway Financing	25
Insurance	11
Interstate Cooperation	5

This committee was established by legislative enactment in 1936; and, with the Senate committee and the Governor, comprises the Mississippi Commission on Interstate Cooperation. The Commission serves during interim periods as well as during the sessions and reports to the Governor and Legislature at such times as it desires, but always within 15 days after the convening of each regular session. The members serve without special compensation.

This committee constitutes the House Council of the American Legislators' Association. (*Code*, 3317-3323)

Judiciary	All lawyers of the House
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The Judiciary Committee is divided in two divisions, to have the designations Division A

and Division B. The members are selected from the committee by the division chairmen and with the approval of the Speaker. (*House Rules*, 55)

<i>Committee</i>	<i>Number of Members</i>
Juvenile Delinquency and Child Welfare	11
Labor	15
LiveStock and Poultry	21
Local and Private Legislation	7

Local and private bills cannot pass the House until they have been reported by this committee with a statement in writing recommending and stating affirmatively the reasons for passage and explaining why the same purposes could not be served by a general act or by a court proceeding. If such a bill is unfavorably reported, it may pass only upon a majority vote of all members elected to the House. A separate calendar in the House is kept for bills reported by this committee, and a period of the last session of each week is reserved for considering them. This committee is the only one of the House from which favorably reported bills are not printed as they are reported. (*Constitution*, IV, 89; *House Rules*, 71, 82, 84, 87)

Manufacturers	5
Mileage	5
Military Affairs	11
Mississippi Levees	12
Municipalities	11

Committee	Number of Members
Penitentiary	17
Pensions and Social Welfare	15
Public Buildings and Grounds	7
Public Health and Quarantine	9
Public Lands	9
Public Printing	7

This committee is responsible for awarding contracts for the printing of bills which are before the House. This is done on the basis of formal bids, after the bills have been favorably reported by a committee and ordered printed by the House. (*House Rules*, 84)

Railroads	11
Registrations and Elections	9
Roads, Ferries, and Bridges	25
Rules	9

The members of this committee are the Speaker of the House, a chairman, and one Representative from each of the seven congressional districts of the state, to be appointed by the Speaker. (*House Rules*, 10)

Temperance	11
Ways and Means	29



MISSISSIPPI FEDERAL  
CONGRESSIONAL DISTRICTS

These districts are the basis of appointments for the Rules Committee of each house, there being one member from each district.

*Select Committees*

When the House of Representatives judges a standing committee insufficient to examine a particular measure, it may create and authorize the Speaker to appoint a Select Committee for such deliberation. Reference of a measure to a Select Committee is considered after reference to a standing committee has been determined unsatisfactory. (*House Rules*, 42)

*Committee of the Whole*

The House of Representatives resolves itself into a Committee of the Whole when it is desirable that all of the members consider a particular measure. The regular rules of procedure are observed by this Committee so far as they are applicable and unless the membership orders otherwise. The Speaker of the House must leave the chair when he forms a Committee of the Whole, after appointing a member to preside as chairman of the Committee. The Representative who made the motion to form the Committee may not be called to the chair. All the powers of preserving order in the Hall of the House which belong to the Speaker shall also belong to the chairman.

When a bill is referred to the Committee of the Whole, it is first read through by the Clerk unless the Committee orders that this reading be dispensed with. Following this, it is read and debated upon by sections. Finally, the title of the measure is considered. After the bill has been returned to the House together with the report of the Committee, it is subject again to debate in a regular sitting of the House and may be amended before the question of engrossing it is taken up. (*House Rules*, 50-52)

#### RULES OF THE HOUSE

The Rules of the House are made for the governance of its meetings and may be suspended only by action of the entire body. The Rules include applicable provisions of the Mississippi Constitution, the Mississippi Code, and the Joint Rules of the Mississippi Legislature. In matters of procedure, the rules of the *Digest and Manual of the Rules and Practice of the House of Representatives of the United States* govern in cases where they are applicable and not in conflict with the regulations listed above and the Rules of the House. (*House Rules*, 92)

A provision of the House Rules may be changed, but only after one day has elapsed

following a motion for change. This motion is entered on the Journal of the House and serves as notice to the body that amendment is contemplated. (*House Rules*, 91) Suspension of the House Rules may be effected only by a motion which has the concurrence of at least two-thirds of the members present. This motion is a "privileged motion": it takes precedence over all others except one for adjournment or for the previous question. It must tell fully the object for which the Rules are to be suspended, and it may not be made while the House is considering other business. If the motion to suspend is decided in the negative, it is not in order to renew the motion for the same purpose during the remainder of the legislative day. (*House Rules*, 34-36, 39)

#### ORDER OF BUSINESS

The regular order of business for the House of Representatives is established by the House Rules and governs the daily proceedings of each sitting of the chamber. This order may not be changed except by a two-thirds vote of those Representatives present and voting. When a question of the priority of orders arises, it is

decided without debate. The regular order is as follows (*House Rules*, 48, 49):

- 1) Report of select committees
- 2) Report of standing committees in their order
- 3) Introduction of bills and constitutional amendments
- 4) Resolutions, petitions, and memorials
- 5) Disposition of business pending on the previous day, provided that nothing shall be considered except propositions actually pending before the House at the time of adjournment on the previous day
- 6) Consideration and passage of bills. The Rules Committee may report at any time.

When any measure is made a special order by a vote of the House, it stands as a special order of the day for every day until it has been disposed of. (*House Rules*, 86) After the reading of the Journal of the preceding day, the special order is (*House Rules*, 47):

- 1) Senate messages
- 2) Senate bills on the first and second readings and for the proper reference to the committees
- 3) House bills on their second reading.

## IV. STEPS IN ENACTING A BILL

### DRAFTING

Drafting of bills is one of the most important steps in the legislative process, for it is the written law that must stand up under scrutiny by the courts and be put into practice by administrative officials. It is a highly technical and in some cases mechanical operation. It requires a specialized type of training and a great deal of time for deliberation which legislators often discover they do not have. Recognizing this fact, the Mississippi State Legislature created the Legislative Reference Bureau in 1938 and the positions of Revisor of the Statutes and legislative draftsmen in 1944.

The Legislative Reference Bureau is a part of the State Library, and its purpose is to provide members of the Legislature with information covering particular problems that come before them and to aid them in the preparation of legislative measures. Through the Bureau, Senators and Representatives may obtain laws of other states, uniform laws, and model bills to

use as guides in formulating legislation. Current data on specific legislative problems and substantive information to be used in bill preparation are also available through the Reference Bureau. (*Code*, 9054; letter from State Librarian, Sept. 28, 1946,

The Revisor of the Statutes will supply, on the request of any member, any advice and consultation necessary. He will prepare also a written opinion on the legality and effect of any statute and will counsel legislators regarding the preparation of any law or resolution for presentation to the Legislature. (*Code*, 1944 Supplement, 3828-01) The two legislative draftsmen are employed by the Attorney General at each regular legislative session. They will assist the legislators in "drafting bills and in securing legislative data and information in connection with their legislative duties." (*Code*, 1944 Supplement, 3828-02) All of these aids are available to members of the Legislature upon request and without expense to them. Although the members of the Legislature may call upon these services for aid in preparing their bills, they necessarily have final responsibility for their own

measures. Therefore, legislators should carefully review completed bills to insure that all of the necessary requirements have been met and that no constitutional or legislative provision has been violated.

The State Constitution (Article IV, Section 56) prescribes the style for each law: "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI." The Joint Rules of the Legislature further provide that no other enacting words such as "Be it further enacted" shall be used in any bill. (*Joint Rules*, 1) Each bill introduced must have a title which should clearly indicate its subject matter. All bills and resolutions are typed and have their titles and authors' names on the outside. (*Constitution*, IV, 71; *Senate Rules*, 44; *House Rules*, 97)

In addition to these, a number of points must be carefully watched to insure the legality and accuracy of each measure:

- 1) All the constitutional and legislative provisions relative to the style and contents. (*Constitution*, IV, 54-77)
- 2) Compliance with all constitutional provisions regarding the subject matter.

- 3) Precise, clear, and simple language and careful, accurate punctuation.
- 4) The proper statement and placing of the enacting clause.
- 5) Provision for enforcement of the law. This should establish responsibility for enforcement and penalties for violation or non-enforcement.
- 6) Provision for financing, if such is necessary.
- 7) A clause repealing all legislation in conflict with any of the statements of the present law.
- 8) A statement that if part of the law is invalidated by the courts the remaining sections will remain in force.
- 9) A clause giving the time when the law is to become effective and, if the measure is temporary, when it is to expire and providing for abolition of its machinery.

It is particularly important that requirements governing the contents of appropriations bills be observed, for there are more of such requirements than for any other type of legislation. The

Constitution states that general appropriations bills may be used for only three purposes. These are to defray the ordinary expenses of the executive, legislative, and judicial departments of the state government; to provide for the payment of interest on state bonds; and to support the common schools. All other appropriations are made by separate bills which have one subject only. No appropriations bills, whether for general or separate purposes, may contain any legislation. These bills must fix definitely the maximum amounts they authorize to be drawn from the state treasury, and they may prescribe the conditions under which money may be drawn and the purposes for which it may be paid. (*Constitution*, IV, 63, 69)

#### INTRODUCTION

Bills may originate in either one of the houses of the Legislature and after passage by it are sent to the second house for introduction and action there. New bills may not be introduced in the Senate or the House during the last three days of the session. (*Constitution*, IV, 59, 67; *Joint Rules*, 16) The Constitution requires that all bills be read on three separate days in each

house before their passage; this rule may be dispensed with by a two-thirds vote of the body which is considering the measure. (*Constitution*, IV, 59) Bills are introduced in the typed original copy in each house, and this copy must be free from corrections or interlineations of any kind. (*Senate Rules*, 44; *House Rules*, 97)

To introduce a bill in the House of Representatives, a member places it, at any time, in the box provided for this purpose at the front of the Clerk's desk. When the order for the introduction of bills and constitutional amendments is reached, the Clerk is instructed to take the deposited bills from the box. This he does and, in the presence of the House, reads their titles aloud. It is customary at this point to suspend the rules and dispense with the entire first reading and second reading. This suspension is automatic if no objection is raised. A bill is subject to amendment after it has been read the second time or the second reading has been passed over. However, no discussion is allowed and no amendment is adopted until the measure, with its proposed amendments, has been referred to a committee for consideration. (*House Rules*, 44, 45, 96)

There are no provisions in the Rules of the Senate for the procedure to be followed in placing a measure before the group, but Senate practice in the introduction of bills follows that of the House. When a piece of proposed legislation is brought before the Senate, its title is read by the Secretary. On a suspension of rules, the first reading is made by title only; and the second reading is dispensed with. It may be read and debated by clauses, each one being taken singly. Consideration of the title is left until last. After the measure has been read before the Senate twice, or its second reading eliminated, it may be amended and must be referred to one of the Senate committees for consideration and report. (*Senate Rules*, 48, 51)

#### CONSIDERATION BY COMMITTEE

The Mississippi Constitution provides that no bill may become law without having first been referred to a committee of each house and returned from it with a written recommendation for action. (*Constitution*, IV, 74; *House Rules*, 81; *Senate Rules*, 48) After a bill has passed its second reading in the house where it originates, the presiding officer refers it to the ap-

propriate special or standing committee or to a Committee of the Whole. (*House Rules*, 45; *Senate Rules*, 48) In the House of Representatives, the Speaker may refer the measure only after the lapse of one legislative day following the "second reading." Yet an immediate reference is permissible under a suspension of the Rules of the House. (*House Rules*, 96) Some measures require submission to two committees, and some types of legislation must always be examined by a particular standing committee. Such measures, as well as the procedure in these cases, have been discussed in the sections which dealt with the committees of the House and of the Senate.

When a bill goes to a committee, the committee is charged with making a thorough examination of its contents, its form, and its title. The committees may be empowered by an order of the membership of the house of which they are a part, and without the signature of the Governor, to summon persons and papers, administer oaths, and generally make their investigations effective. (*Constitution*, IV, 60) The committee deliberating over a measure has a great deal of power as to its fate, for its recommendation is very important in determining what the body's

final vote will be. There are several possible courses of action for a committee when it has considered a measure. In the national Congress and in many states, the committee may kill a measure by failing to report it. The rules of the Mississippi Senate require that all measures referred to a committee must be returned from it with a written recommendation or to be re-committed to a different committee, however. (*Senate Rules*, 48) The House of Representatives has in its rules no provision regarding this matter, and so presumably it may kill a measure by allowing it to stay in committee without report. The committee to which a measure is referred may propose any amendments which seem indicated, but such amendments may not be so extensive that they change the original purpose of the bill. (*Constitution*, IV, 60) In making its report when the proposed legislation is returned to the house, the committee may recommend that the measure be passed or that it be defeated, as it sees fit. Favorably reported bills are placed on the calendar of the house to which they are reported; but when non-passage is recommended, the measure may be considered by the house only under the conditions described

above under the sections dealing with committee reports. The requirements for returning a bill and the conditions under which it may be withdrawn from a non-reporting committee are also discussed in an earlier section of this study with the descriptions of the several committees of the two houses. (*Supra*, pp. 13-16, 37-39)

With its report of every bill, each committee must express in writing its judgment as to the sufficiency of the title. This is required by the Constitution and is necessary regardless of whether or not the committee recommends that the measure be passed. (*Constitution*, IV, 71) After a bill has been reported by its committee, the house where it is pending may have it printed if it so desires; and the consent of the other house is not required. In the House of Representatives, however, a favorable report and a recommendation from the committee that the bill be printed is necessary. This recommendation is endorsed on the jacket of the bill and signed by the chairman of the committee. If it is the pleasure of the House that a measure be printed after being reported, however, such a recommendation may be dispensed with. (*Joint Rules*, 13; *House Rules*, 84)

## THE CALENDAR

The calendars, which are kept in both of the legislative houses, are records of bills which have been favorably reported by their committees and of the order in which they were reported. Measures listed on the calendar are ready for consideration by the house to which they have been sent. They are made up in each house by the Secretary of the Senate or the Clerk of the House, who gives to each measure as it is reported a serial number. This number, with the title of the bill, is placed on the calendar as it is arranged from day to day. Bills adversely reported by their committees are not placed on the calendar at all unless they have a minority report filed by one or more members of the committee considering the bill. The procedure for filing this report in each house is discussed above with the description of committees. (*Supra*, pp. 16, 39). Bills on the calendar are called up for consideration in order, and when a bill is so called up and not considered it goes to the foot of the calendar and is not again called up until all other measures on the calendar have been settled. (*Senate Rules*, 33a, 11; *House Rules*, 87, 88)

Separate calendars are maintained in the Senate for bills reported by the committees on Finance, Rules, and Local and Private Legislation. Appropriations and revenue bills have precedence over all other matters at all times, and it is always in order to call for consideration reports of the Rules Committee. In the House of Representatives, separate calendars are kept for measures reported by the Ways and Means, Appropriations, and Local and Private Legislation committees. Appropriations bills are always in order, and bills reported by the committee on Local and Private Legislation are considered on the last day of each week at a time which the Representatives specify. (*Constitution*, IV, 68; *Senate Rules*, 33a; *House Rules*, 87)

The Rules Committees of the two houses, or majorities of the members elected to them, have the power to change the order of measures on the calendars if they agree that certain measures affect the public interest or are of immediate necessity. Thus a bill may be brought from the foot of the calendar to its head and immediately considered. The shift in the order of bills is still subject to the limitation that no measure may be considered on the same day that it is re-

ported except by a suspension of rules. The device of advancing measures on the calendar may also be used by the Rules Committee to prevent certain bills which it does not want passed from being considered. To do this, it may keep other matters ahead of such bills in the daily order for considering legislation. (*House Rules*, 90)

#### FINAL CONSIDERATION AND VOTE *Third Reading and Amendments*

After a measure has been introduced properly, referred to the proper committee, considered and reported by it, and docketed and placed on the calendar by the Secretary of the Senate or the Clerk of the House, it is ready to be read the third time and considered for passage by the members. As the order for considering a bill on its final reading comes up, the bill is presented to the Senate or House and read in its entirety by the Secretary or Clerk. Then, following debate, the final vote on the measure is in order. If any of the members desire that the measure be read and debated one clause at a time, they may move for such a reading; and the official reading the bill will stop after each clause for the necessary debate.

Amendments to measures are in order after the third reading (which is actually the first full reading) and may be proposed from the floor of either house at that time. (*Constitution*, IV, 59) The author of such an amendment must secure from the presiding officer of his house recognition and permission to present his amendment, or it will not be considered by the house. He may, after such recognition, offer his proposal and move its adoption. When a bill has been made a special order through a suspension of rules, the privilege of proposing amendments for it is not changed; and amendments may be presented in the same manner that they would have been had the legislation been brought before the house in its regular order. No amendment may be adopted if it changes the original purpose of the bill. When an amendment to any measure is adopted, the entire section as changed is inserted into the bill; but amendments, whether proposed by members or by committees, are written into the bill only after their final adoption. (*Constitution*, IV, 61; *Senate Rules*, 73; *House Rules*, 33, 38, 97)

In the House of Representatives a motion to recommit a bill to its committee is in order and

has precedence over all other business before the House when the measure is up for the final vote and two or more major amendments have been adopted. It is always in order in the Senate to move for the recommitment of a bill before its final passage. (*House Rules*, 46; *Senate Rules*, 73) Changes in amendments after they have been proposed may be offered. The Senate Rules provide that an amendment to an amendment may be received, but that a change in the second amendment may not be considered. If a third revision of the measure is desired, however, a substitute for the second change may be received; and this substitute is subject to amendment. (*Senate Rules*, 67) There is no provision in the Rules of the House regarding changes in amendments.

#### *Debate*

When a bill has had its third reading, it is ready for debate by any members of the house where it is pending. The Senate Rules provide that the Senator who introduces a bill has the right of opening and closing debate upon the measure when it comes before the Senate for final passage. Although there is no similar pro-

vision in the Rules of the House, both houses have provisions that the affirmative side may close the debate after the final question has been ordered. (*Senate Rules*, 52; *House Rules*, 22) Both of the houses of the Mississippi Legislature have regulations governing the discussion of matters before them, and these are to be enforced during the debate by the presiding officer, the persons appointed to assist him in maintaining order, or the members of the house where they apply. Many of the rules of the House and Senate are identical, and others are very similar in their content.

A member of either house who desires to speak must rise at his desk and address himself to the presiding officer. The form of this address, in the Senate, is simply, "Mr. President" and in the House, "Mr. Speaker." After a member of the Senate has been recognized, he has the floor and must advance to the front of the chamber, where he remains until he has finished his remarks or used all of his allotted time and resumes his seat. When two or more members of the House rise at the same time, the Speaker recognizes the one who speaks first. Representatives may speak from any place on the floor after they have been

recognized by the Speaker. In making their talks regarding pending legislation, the legislators must confine their remarks to the question under debate and avoid references to personalities and the use of names of other legislators. (*Senate Rules*, 23, 24; *House Rules*, 16, 17, 20)

Each house has limitations on the length of time individual speakers are allowed. In the Senate this limit is fixed at 20 minutes for speaking on a "main question," but is shortened to five minutes when a "subsidiary question" is being debated. These limits may be extended, but an extension must be for a specific time. No Senator may make a motion cutting off or limiting debate before he resumes his seat after speaking to a question. (*Senate Rules*, 22) The time limit on a main question under debate in the House is 10 minutes, and for a subsidiary question it is five minutes. If the Representatives are willing to grant leave to any of their number, his time may be extended; and the one who introduced a measure is allowed time for reply after all others have been given time to speak regarding his measure. (*House Rules*, 21) In either house a member may speak a second time

after all others wishing to address themselves to a matter have done so, but all of his speeches together may not take more than the time limits for his house allow. If a Senator desires to speak more than twice on the same question, he must obtain leave of the Senate. (*Senate Rules*, 22; *House Rules*, 21) The debate after the question has been ordered (the final vote called for) is limited to five minutes for each side, and the affirmative side always closes the debate. After a motion to lay a measure on the table, its author is allowed five minutes to discuss it. (*Senate Rules*, 66; *House Rules*, 22) The legislator who moves for tabling a bill may not speak regarding the measure or his motion.

Certain motions may be made and considered in each house when a question is under debate. Any motion not related to the matter before the house may not be received, however, unless it is one which has special precedence because of its nature or by special rule of the Senate or House. (*Senate Rules*, 72; *House Rules*, 33) Although the order of precedence for such motions is very similar in the two houses, there are some differences in the two orders.

*Senate.* The order of precedence for motions in the Senate is as follows:

- 1) To adjourn
- 2) To lay on the table (when five minutes debate is allowed the Senators having the measure in charge)
- 3) For the previous question
- 4) To close debate at a specific time
- 5) To postpone to a day certain
- 6) To commit (or recommit)
- 7) To refer
- 8) To amend
- 9) To postpone indefinitely.

Motions presented to the Senate have precedence in this order. When any of these motions has been made and disposed of unfavorably, it may not be considered again the same day at the same stage of the question being debated.

A motion for the previous question may be made on any matter which is subject to debate. This motion itself is not debatable, however; time allowed for each side, is stopped. Any incidental question of order that comes up after when it is ordered, all debate, except five min-

the motion and before the vote on it has been taken is decided without debate. (*Senate Rules*, 63, 65, 72)

*House of Representatives.* When a question is under debate in the House, the following motions may be received, and they have precedence in this order:

- 1) To adjourn
- 2) To lay on the table
- 3) For the previous question
- 4) To postpone to a day certain
- 5) To refer
- 6) To amend
- 7) To postpone indefinitely.

The motion to adjourn is always in order unless the House is operating under an order for the previous question. Some motions are not allowed a second time on the same day and at the same stage of the question. These are the motion to adjourn (1), to postpone to a day certain (4), to commit (5), and to postpone indefinitely (7). (*House Rules*, 28, 32)

Certain rules of courtesy have been embodied in the governing regulations of the Legislature.

When a member is speaking, no other member shall carry on a private discourse or walk between the member who is speaking and the chair. (*Senate Rules*, 21; *House Rules*, 23) A member who has the floor may not be interrupted by any other member. There are two exceptions to this regulation. First, a member may rise to call for order while another member is talking. Second, if a member desires information from the one who is speaking, he may address the presiding officer, who secures consent to interruption from the legislator who is speaking. (*Senate Rules*, 21, 24) Members of the Legislature are not to read papers while the Journals of the houses or other public papers are being read. When the presiding officer of either house is putting a question, the members must not carry on private discourses or walk out of or about the house. (*Senate Rules*, 21; *House Rules*, 23)

The presiding officers are charged with calling members to order when they violate the rules of their respective houses or the Joint Rules of the two houses. Any Senator may call such persons to order in the Senate, and in the House a member may direct the Speaker's attention to any violation and request that order be called.

If the call to order is for words spoken in debate, the Secretary of the Senate or Clerk of the House takes them down in writing so that they may be carefully judged by the presiding officer or the members present. After a person speaking before either house has been called to order, he must sit down until he is given leave to proceed. This leave is by motion of another member of the House that an explanation be allowed, and in the Senate it is granted by the President or the members. The President of the Senate is to decide, without debate, every question of order. The entire membership may be appealed to on a decision of order in either house. The question may be debated in the Senate, but must be settled without debate in the House. The Senate Rules have a provision that any question of order coming before the body while a first question is being decided is to be disposed of by the President without debate. The President may, however, ask for an opinion of the Senate on any question of order. (*Senate Rules*, 25, 26; *House Rules*, 18, 19)

#### *Voting*

The Mississippi Constitution establishes the size of a quorum to do business in each house

at a majority of the members elected to it. A quorum must attend if business is to be valid, but a full quorum does not have to vote to establish validity. All members are supposed to attend all sessions unless they are given leave, are ill, or are unable for some other reason to attend. The members who do report for a meeting of either house may compel the attendance of enough members to constitute a quorum, and they may adjourn each day until a quorum is secured. The House Rules require that 15 members be present before they may authorize arrest of absent members, but there is no such specification in the Rules of the Senate. Members who do not have sufficient reason for their absence may be sent for, arrested, and compelled to report by the Sergeant-at-Arms of their house or such officers as he or the present members shall appoint. The houses may determine their own penalties for non-attending members. The Senate has set this penalty as payment of the expenses incurred in obtaining a quorum, and the House determines in each case the conditions to be enforced. (*Constitution*, IV, 54; *Senate Rules*, 20; *House Rules*, 26, 63, 65)

A motion for the previous question, if a quorum is present and if it is ordered by a majority of those voting, shall bring the house where it is made to a direct vote on the immediate question. An order for the previous question stops all debate except a five-minute period allotted to each side. Following the close of these rebuttals, the President of the Senate or Speaker of the House presents the bill for final vote. (*Senate Rules*, 65; *House Rules*, 59) In the House the question is divided before being put if any member asks it and if its provisions are so distinct that substantive propositions remain after the others are taken away. (*House Rules*, 66)

The final vote on every bill is taken by yeas and nays, which are always entered on the Journals of the respective houses. The Secretary of the Senate or Clerk of the House calls the roll, and each member responds to his name with his vote. The names are called alphabetically by surname; and after the roll has been completed the Secretary or Clerk calls, in the same order, the names of those members not voting. After the call has been completed, the President or Speaker may not entertain a request to record any other vote. Any member may, however,

change his vote before the decision is announced from the chair. Every legislator is required to vote if he is present when the question is put, unless he is excused by the members of his house from casting a vote. However, no member who was absent from the chamber of his house at the time that the question was put, and no member who has a personal interest in the fate of the measure, may vote upon it. (*Constitution*, IV, 55; *Senate Rules*, 19, 29, 76; *House Rules*, 25, 61)

When a quorum fails to vote on any bill, the names of those who do not vote are recorded in the Journal as proof that a quorum was present when the vote was taken. If a quorum is not present, absent members may be brought to the chamber in the manner described above, allowed to vote, and their votes recorded. If all the members present, whether or not they vote, constitute a majority of their house, the action which the voting members take shall stand. The presiding officer declares the vote as the majority of the voters appears. (*Senate Rules*, 74, 75; *House Rules*, 65)

No Senator may have the Journal amended to have the record of his vote changed. If any

of them desires, however, he may explain his vote. To do this, he prepares a written statement as to why he voted as he did and gives it to the Secretary or Clerk. This explanation is entered into the Journal and therefore must be submitted before approval of the Journal for the day the vote was taken. (*Senate Rules*, 29, 77) There are no provisions in the Rules of the House regarding this matter.

The Mississippi Constitution provides that the final vote on any measure, whether it be adverse or favorable, is subject to reconsideration for at least one legislative day. (*Constitution*, IV, 65; *House Rules*, 75) The Clerk or Secretary retains all bills until this time has expired. In the Senate, by unanimous consent of the members, a measure may be transmitted to the House immediately, however. (*Senate Rules*, 12) There is no such regulation in the Rules of the House. If a motion to reconsider is made in either house on the day the vote was taken, it may not be unfavorably disposed of on that day. This does not apply, however, on the last day of a session. (*Constitution*, IV, 65)

The Rules of the House do not give the procedure to be followed in moving reconsideration

and in voting the second time. The practice followed, though, is the same as that set down in the Rules of the Senate, which is as follows. A member in the majority on any vote may move for reconsideration of the measure on the day of the vote or on the next legislative day that a quorum is present. None of the members of the losing side may move for reconsideration. When a reconsideration has been moved and ordered, and the second vote taken, another motion to reconsider may not be entertained. If an amendment (added after the second vote) changes the nature of the proposition, however, a second motion to reconsider may be received. No reconsideration is allowed on a vote to adjourn, to lay on the table or take from the table, or to reconsider. (*Senate Rules*, 62, 63)

The privilege of moving for reconsideration gives the legislators a second chance to gain a majority for their side on any question, as well as to change their votes in order that they may be on the winning side. When a Senator or Representative sees that a vote is going against his side, he may change his vote in order to be on the prevailing side and thus be able to move for a new vote. He must make the change be-

fore the result of a roll call is announced, however. While the roll is being taken, no member in either house is permitted to go to the desk of the Secretary or Clerk in order to learn the vote cast. (*Senate Rules*, 28; *House Rules*, 23, 62) Therefore, the legislator must keep his own tabulation of the yeas and nays as they are taken if he is to know how the vote is going so that he may insure voting with the majority. When a second vote is being taken on any bill, the members may change their votes; or those who did not cast a vote on the first roll call may vote.

The vote on a reconsideration is cast in the same manner as the first vote, the roll call being answered by yeas and nays. This vote is entered on the Journals along with the names of non-voting members and is the final vote, unless a second reconsideration is allowed under the exception noted above.

Certain types of legislation have constitutional requirements as to the number of members in each house who must agree to their passage before they may become law. Appropriations bills require the vote of a majority of the members who have been elected to each house. A two-thirds concurrence of the members elected in each

house is necessary to pass bills which grant a gratuity or donation for any person or object. The agreement of three-fifths of the members who are present and voting when the roll is taken is necessary for a revenue bill, or for a bill providing for assessments of property for taxation, to become a law. The Joint Rules of the Legislature provide that bills exempting property from taxation or dealing with any of the revenues of the state or its subdivisions are to be considered revenue bills and require the same majority that such bills do. (*Constitution*, IV, 64, 66, 70; *Joint Rules*, 18; *House Rules*, 77, 79, 82)

#### ACTION IN THE SECOND HOUSE

When a measure is passed by either of the two houses of the Mississippi State Legislature, it is sent to the other of the houses, where it may be passed in the same form as it was by the first house, amended, or rejected. (*Constitution*, IV, 59) All bills, when they are sent from one house to the other, are under the signature of the Secretary of the Senate or the Clerk of the House. As a bill is passed in the house where it originates, the Clerk or Secretary certifies that it has been passed, notes on it the date of its passage,

and transmits the measure as passed to the secretarial officer of the other house. With the bill are also sent all papers on which the bill was founded and the report of the committee which considered the measure. (*Joint Rules*, 5, 12)

When the bill reaches the second house, it is given to the presiding officer there and he presents it to his group for consideration. From this time, the measure follows the same procedure that original bills do: reference to a committee, consideration and report by the committee; the "third" reading, amendments, and debate; and the final vote, which is subject to the same reconsideration that other bills have. (*Senate Rules*, 47a) The vote requirements for passage of a measure are the same in the second house that they are in the first, and the votes are recorded in the same manner.

If the Senate or House does not promptly pass a bill which has been sent to it by the other, it immediately notifies the house which originally passed the bill. This means that if a measure is rejected, postponed indefinitely, or postponed to a day so distant that it will not be taken up for passage at the same session, the house where the

bill was first introduced is given notice of that fact. If the second house makes and passes upon any amendments to the bill as first enacted, it returns the measure and its amendments to the first. These amendments may then be concurred in by the originating house by a vote of the majority of its members. The vote on an amendment proposed by the second house is taken by the same method that any vote on a bill is taken: yeas and nays are taken by the Secretary of the Senate or Clerk of the House, as the case may be, and the names of those voting for and against the amendment are recorded in the Journals of their respective houses. (*Constitution*, IV, 62; *Joint Rules*, 10)

If a bill is accepted by the second house without amendment, or if the house which originally passed the measure concurs in the amendments, the bill is ready to be enrolled and signed. When the bill is agreed upon by the two houses, and after it is certified by the Secretary or Clerk as having originated in his house, it is copied and filed as evidence that it has been passed. The bill thus enrolled is examined by the Joint Committee on Enrolled Bills: this committee com-

pares the measure with the engrossed bill and sees that any errors are corrected and makes its report in writing to each of the houses. This report, signed by the chairman for each house, is entered on the Journals of each. Following the report of the committee that the bill has been duly enrolled, the President of the Senate and the Speaker of the House give notice that the bill is enrolled and that they are ready to sign it. They suspend business in each house; have the bill read by title, and in full if any member demands such a reading; and sign the bill in open session of their respective houses. All of these proceedings are entered in the Journals of the two houses. (*Constitution*, IV, 59; *Joint Rules*, 6, 7)

#### CONFERENCE COMMITTEE

Often an amendment proposed by one house of the Legislature is not agreed to by the other. In such cases, if either house asks that a conference committee be formed and appoints such a committee, the other house appoints a committee to meet and reconcile the differences of the two houses. This committee meets at a convenient time and place agreed upon by the chair-

men from the two houses or a majority of the members. The representatives from each house state to each other (orally or in writing, as they themselves agree) the reasons of their houses for favoring or opposing the amendment disagreed upon. Each side makes any propositions it thinks are needed for modifications of the amendment, and these are discussed freely by all the members. When the differences have been resolved, the conference committee prepares a written report to be submitted to the two houses for adoption; this report may be made at any time. The conference committee report is adopted in each house by a vote of the majority of its members, which is taken by yeas and nays and entered upon the House and Senate Journals. When the report of the conference committee is accepted by each house, it is ready to be enrolled and signed in the manner described above. If each house adheres to its disagreement, either in the conference committee or in the vote upon its report, the measure fails of passage. (*Constitution*, IV, 62; *Joint Rules*, 2, 3; *Senate Rules*, 41)

Any measure which is finally defeated may not again be introduced in the same session of the

Legislature, except after three days' notice. After three days, and if two-thirds of the members present consent, the bill may be introduced in either house. No proposed law may be revived by reference to title only, but must be taken up and considered in its entirety and with the same procedure that bills follow on their first introduction. (*Constitution*, IV, 61; *Joint Rules*, 11; *House Rules*, 73, 85)

#### ACTION OF THE GOVERNOR

When passed by the two houses and signed by their presiding officers, a bill is submitted to the Governor by the Joint Committee on Enrolled Bills. The Committee transmits the bill to the chief executive and reports to each house the date of presentation, which is entered in both Journals. The Governor is allowed five days (Sunday excepted) for his action; or, if the Legislature adjourns before the five days have passed, three days after the beginning of the next session. The measure becomes law without his signature if he does not return it within this time. If he approves the bill as passed, he signs it and it becomes law. If he does not approve the bill, he returns it, with his objections, to the house

where it originated. There the objections are entered on the Journal and the measure is reconsidered. The house may then take whatever action it chooses regarding the Governor's veto. It may amend the bill to incorporate his suggestions, pass the measure over his objections, or allow the bill to fail because of the veto. If the bill is amended, the procedure outlined above for amending legislation is followed. A two-thirds majority of the members is required to pass a bill over the Governor's veto. When this majority is secured in the first house, the bill, with the objections sent by the Governor, is transmitted to the second. If two-thirds of the members of the second house agree that the bill should be passed, it becomes law. The votes on a measure after it has been returned by the Governor are taken by a roll call in the same manner that a final vote on a bill is taken, and the names and votes of the Legislators are entered on the Journals. (*Constitution*, IV, 72; *Joint Rules*, 8)

The Governor may not approve any legislation when the Legislature is not in session. In signing appropriations bills, he may veto portions of them and the approved portions will stand. This is true only of appropriations bills,

for the Governor must approve or veto in full all other measures. Some measures which are passed by the Legislature do not require the Governor's approval. These include orders, votes, and resolutions which affect the prerogatives and duties of the Legislature and its members, adjournment, constitutional amendments, and investigations of public officers. (*Constitution*, IV, 60, 72, 73)

## V. JOINT ACTIVITIES OF THE TWO HOUSES

The two houses of the Mississippi Legislature work very closely together, and because of this a number of their activities necessarily converge. In order to secure for each house the requisite knowledge of the activities of the other and the necessary uniformity of action, as well as to govern the meetings of joint conventions and joint committees, the two houses have established a set of Joint Rules. Many of these rules have already been presented in the sections above, but the greater portion of them are discussed below in the description of the activities of the Legislature in which the two houses together take part.

### JOINT CONVENTION

When it is necessary that the two houses meet in joint convention, they provide for such a meeting by a concurrent resolution. The day and hour of the convention are agreed upon in the resolution, and the joint meeting is held in the hall of the House of Representatives. The Legislature may consider in joint convention only

such business as may be specified in the resolution calling it or as is provided by law, and the order of business for the meeting is prescribed in the resolution. The President of the Senate presides, and the Rules of the House of Representatives and the Joint Rules govern the proceedings. The Secretary of the Senate and the Clerk of the House keep records of convention activities and, when the two houses reassemble separately, report on them to their respective houses. These records, after approval, are entered at large upon the Journals. (*Code*, 3354-3357; *Joint Rules*, 19-21)

No member of either house may talk for more than five minutes in discussing matters before the convention. A roll call of either house may be had upon an order of its members, and if a separate decision on any question is required by the houses, the Senate withdraws until it is settled. The votes on all questions are by yeas and nays, and all elections are *viva voce*. In taking the votes, the Secretary of the Senate calls the roll of the Senate first, and then the Clerk calls the roll of the House of Representatives. Unless the convention as a single group excuses him, every

member of each house is required to vote on all questions and elections which come before it. The joint convention acts as one body in deciding upon motions to adjourn or to postpone any business. If any member calls for it, the vote is taken by roll call and is entered in both Journals. (*Code*, 3358; *Joint Rules*, 22-25)

In voting upon an election, the convention takes each vote separately so that only one officer will be elected at a time. A majority of all members elected to the entire Legislature must be present and voting if the vote on an election is to be valid, and a majority of all the votes of the convention is required to elect an officer. (*Code*, 3359)

#### JOINT COMMITTEES

In addition to the standing committees of each house, there are a number of standing and special joint committees on which members from each of the two houses meet together to consider particular questions. The standing joint committees are established in the Joint Rules of the Legislature, which specify the title and number of members for each. They are five in number:

<i>Committee</i>	<i>Senators</i>	<i>Representatives</i>
Executive Contingent Fund	3	5
State Library	3	5
Enrolled Bills	5	5
University and Colleges	11	13
To Investigate State Offices or Departments	7	9

The work of this committee is apportioned in its meeting among such sub-committees as it shall set up, and the results of each investigation are reported to the two legislative houses. (*Joint Rules*, 26; *Senate Rules*, 30)

The procedure followed by these committees in their meetings, in keeping their records, and in reporting their action to the Legislature is the same as that followed by the separate standing committees. The Rules of the Senate provide that acts recommended to it by a joint committee shall be considered only if its members from the Senate were notified and present at the time of the committee's action. Furthermore, no report of a joint committee is acted upon by the Senate unless at least one Senator on the committee subscribes to the report. (*Senate Rules*, 43)

At the present time there are five special joint committees in operation. As all special com-

mittees are, these are set up for specified periods of time for particular tasks; and, as soon as the work has been done or the time passed, the committees are discharged. These committees are as follows:

<i>Committee</i>	<i>Senators</i>	<i>Representatives</i>
Legislative Gasoline Investigating Committee	3	3
Homestead Exemption Committee	2	3
Educational Committee	2	3
Juvenile Delinquency	2	3
<i>(Mississippi Blue Book, July, 1945, p. 121)</i>		
General Legislative Investigating Committee	3	3

The Gasoline Investigating Committee and the General Investigating Committee were created by acts of the Legislature in 1944 and 1946, respectively. They are empowered to sit during the recess of the Legislature, and special compensation is provided for the work done by the members during this time. The Gasoline Investigating Committee is to be discharged after January 1, 1948; there is no statutory time limit

on the life of the General Investigating Committee. (*Laws*, 1944, House Bill, 639; 1946, Senate Bill, 19, 169; House Bill, 372)

#### RELATIONS BETWEEN THE HOUSES

In addition to the collaborative work of the two houses, relations between them are to some extent regulated by the Constitution and the Joint Rules. Most of these regulations have been discussed above, but there are some of the matters of courtesy which have not previously been mentioned. When the Legislature is meeting in regular or special session, neither house adjourns for a longer period than three days, unless it has the consent of the other to do so. Without this same consent, neither house adjourns to meet at any other place than where the entire Legislature is sitting. (*Constitution*, IV, 57; *House Rules*, 72) The House of Representatives or the Senate may order the printing of any document for the use of both the houses, and when this is done the other must be notified. The Clerk of the House or Secretary of the Senate reports the fact that printing has been ordered, and the number of copies to be printed, to the other house. (*Joint Rules*, 14)

## VI. SPECIAL LEGISLATIVE SERVICES

There are a number of services provided for the members of the Legislature which enable them to carry out more effectively and thoroughly the duties imposed upon them. The aids in preparing legislation (the Legislative Reference Bureau, the Revisor of Statutes, and the legislative draftsmen) have been discussed above with the description of drafting bills. (*Supra*, pp. 49-50) The materials of the State Library, of which the Legislative Reference Bureau is a part, are available to the legislators at all times. Here they may secure copies of the reports of all special legislative committees, the Journals of the two houses for all past sessions, and the complete laws of the State. Books and other reference material may be taken from the library for use in either house or in committee meetings, and the member taking them must be responsible for their return. (*Code*, 9051, 9053)

The Capitol Post Office, on the second floor of the Capitol Building, is the center of the legislative mailing system. The mail carrier and distributor collects and brings to the Capitol all

incoming mail and takes all outgoing mail to the post office. He distributes the mail to the Senators and Representatives each day during legislative sessions, or more often if either house requires him to. The mail carrier is elected by a joint vote of the Legislature for a term of four years; his compensation is \$5.00 a day, one-third of which is paid from the contingent fund of the Senate and two-thirds from the House contingent fund. (*Code*, 3362, 3364)

## VII. LOBBYING

One of the most important and difficult tasks for every member of the Legislature is keeping in touch with the thoughts of his constituents. This is very necessary to the proper carrying out of the Legislature's work, for its duty is to represent these opinions and embody them in law insofar as it may be desirable. Thus members of the House and Senate are constantly trying to discover and understand such opinions.

A number of answers to the problem of *how* to ascertain the sentiments of voters have developed. One of the more important of these is the organization of groups which have formulated opinion into definite programs of action. These groups—often referred to as “pressure groups”—carry their programs to the Legislature through the device of lobbying. Sometimes the means they use to secure the support of individual legislators are corrupt, but more often they are legitimate. Lobbying is simply an attempt to influence the action of the Legislature, but unfortunately the term has come to have unsavory connotations. This fact has placed a

handicap in the way of citizens and organizations who engage in legitimate lobbying for commendable purposes. Most legislators realize that, despite the fact that there will always be some unjustifiable lobbying, the persons who engage in legitimate lobbying practices render a definite service, both to the state and to the members of the Legislature.

There are many devices which purport to regulate lobbying and to prevent corrupt practices in it. Mississippi, through legislative and constitutional enactments, has established a double insurance against corruption in lobbying. The first of these is the group of regulations for members of Legislature. They must not accept any fee or reward for any work regarding or be a counsel for any measure pending in either house (*Constitution*, IV, 47), nor may they accept free passes or tickets at a discounted price from any transportation company. (*Constitution*, VII, 188) A conviction of bribery disqualifies a member from his legislative office (*Constitution*, IV, 44), and either house may expel a member if its members are convinced that he has been guilty of corruption or accepting a bribe. (*Constitution*, IV, 55)

The second group of regulations applies to lobbyists. Anyone who is employed by any person or firm to influence the actions of the Legislature is required to be registered and certified by the Secretary of State, upon the payment of a fee, before he is permitted to enter the lobbies of the legislative houses. (*Code*, 3366-3373)



